



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,347	06/19/2006	Hidenori Ikeno	04632.0071	9769
22852	7590	12/05/2008		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER SHUMATE, ANTHONY R	
			ART UNIT	PAPER NUMBER
			1797	
			MAIL DATE	DELIVERY MODE
			12/05/2008 PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/583,347

Applicant(s)

IKENO ET AL.

Examiner

ANTHONY SHUMATE

Art Unit

1797

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06/19/2006 AND 09/19/2006 AND 11/03/2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 1-16 and 20-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-24 are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 July 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 19 September 2006
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Summary

1. This is the initial Office action based on the 10/583,347 application filed 19 June 2006.
2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.
3. Claims 1-24 were subject to a restriction.
4. Applicant elected claims 17-19.

Election/Restrictions

5. Claims 1-16 and 20-24 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.
6. Applicant's election of claims 17-19 in the reply filed on 3 November 2008 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Drawings

7. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 32b at figure 12 and figure 14. Corrected drawing sheets in compliance

with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

8. The abstract of the disclosure is objected to because two abstracts were submitted with the application. One abstract was submitted on page 24 of the application, and the other abstract submitted was presented on the WIPO publication WO 2005/061077 A1. Correction is required. See MPEP § 608.01(b).
9. The abstract of the disclosure submitted on page 24 is objected to because the abstract contains two paragraphs. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over DELANY (US 4,701,196) in view of HAGEN et al. (US 3,937,531) and PARVIN (US 5,757,109).

For instant **claim 17**, DELANY teaches at figure 1-3 and column 2 lines 40-60 a cartridge element (7) (drawer). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the slides taught by HAGEN et al. with the drawer taught by DELANY for the benefit taught by PARVIN. PARVIN teaches at column 1 lines 10-35 the benefit that telescopic slides for file drawers and the like are often desirable for use in cabinets and other rack-mounted applications. Such slides permit easy access to the interior of the drawer. Also, the slides taught by PARVIN are analogous to the slides taught by HAGEN et al.

As well for instant **claim 17**, HAGEN et al. teaches at figure 7, figure 10, figure 11, column 5 lines 1-10, and column 5 lines 55-68, guiding members (24) that are fixed and have inclined elliptic holes (48).

Also for instant claim 17, HAGEN et al. teaches at figure 7, figure 10, figure 11, column 5 lines 1-10, and column 5 lines 55-68 rails (22) that are fixed in the guiding members (24) and have connecting holes (32) corresponding to the inclined elliptic holes (48).

Additionally for instant **claim 17**, HAGEN et al. teaches at figure 7, figure 10, figure 11, column 5 lines 1-10, column 5 lines 55-68, and column 8 lines 30-68 coupling devices (26 and 80) that couple the guiding members (24) with the rails (22) by penetrating the inclined elliptic holes (48) and the connecting holes (32).

In addition for instant **claim 17**, it would be obvious to one of ordinary skill in the art at the time of the invention that the guiding members (24) taught by HAGEN et al. would be fixed at intervals to the body (duct) taught by DELANY in view of the teachings by HAGEN et al. at figure 7, figure 10, figure 11, column 5 lines 1-10, column 5 lines 55-68, and column 8 lines 30-68 which show the guiding members (24) are supposed to be fixed to a body (cabinet) to attach the drawer which is analogous to the drawer (7) taught by DELANY at figure 1-3 and column 2 lines 40-60. Also, it would be obvious to one of ordinary skill in the art at the time of the invention that the guiding members (24) taught by HAGEN et al. would be fixed under the **bottom of the** duct, since DELANY teaches at figures 1-3 and column 2 lines 40-60 that the drawer (7) is fixed under the duct (2).

Furthermore for instant **claim 17**, it would be obvious to one of ordinary skill in the art at the time of the invention that the cartridge elements are installed between and supported by the rails, since HAGEN et al. teaches at figure 7, figure 10, figure 11, column 5 lines 1-10, column 5 lines 55-68, and column 8 lines 30-68 the drawer (130) which is analogous to the drawer (7) (cartridge

elements) taught by DELANY at figure 1-3 and column 2 lines 40-60 is installed between and supported by the rails (22).

For instant **claim 18**, DELANY teaches at figure 1-3 and column 2 lines 40-60 a cartridge element (7) (drawer). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the slides taught by HAGEN et al. with the drawer taught by DELANY for the benefit taught by PARVIN. PARVIN teaches at column 1 lines 10-35 the benefit that telescopic slides for file drawers and the like are often desirable for use in cabinets and other rack-mounted applications. Such slides permit easy access to the interior of the drawer. Also, the slides taught by PARVIN are analogous to the slides taught by HAGEN et al.

As well for instant **claim 18**, HAGEN et al. teaches at figure 7, figure 10, figure 11, column 5 lines 1-10, and column 5 lines 55-68, guiding members (24) that are fixed and have inclined elliptic holes (48).

Also for instant claim 18, HAGEN et al. teaches at figure 7, figure 10, figure 11, column 5 lines 1-10, and column 5 lines 55-68 rails (22) that are fixed in the guiding members (24) and have connecting holes (32) corresponding to the inclined elliptic holes (48).

Additionally for instant **claim 18**, HAGEN et al. teaches at figure 7, figure 10, figure 11, column 5 lines 1-10, column 5 lines 55-68, and column 8 lines 30-68 coupling devices (26 and 80) that couple the guiding members (24) with the

rails (22) by being inserted through the inclined elliptic holes (48) and the connecting holes (32).

In addition for instant **claim 18**, it would be obvious to one of ordinary skill in the art at the time of the invention that the guiding members (24) taught by HAGEN et al. would be fixed at intervals to the body (duct) taught by DELANY in view of the teachings by HAGEN et al. at figure 7, figure 10, figure 11, column 5 lines 1-10, column 5 lines 55-68, and column 8 lines 30-68 which show the guiding members (24) are supposed to be fixed to a body (cabinet) to attach the drawer which are analogous to the drawer (7) taught by DELANY at figure 1-3 and column 2 lines 40-60. Also, it would be obvious to one of ordinary skill in the art at the time of the invention that the guiding members (24) taught by HAGEN et al. would be fixed under the **bottom of the** duct, since DELANY teaches at figures 1-3 and column 2 lines 40-60 that the drawer (7) is fixed under the duct (2).

For instant **claim 18**, DELANY teaches at figures 1-3 and column 2 lines 40-60 the drawer (7) (sliding member) that has holes in which the cartridge elements (8) are inserted.

Furthermore for instant **claim 18**, it would be obvious to one of ordinary skill in the art at the time of the invention that the sliding member that is installed on the rails, since HAGEN et al. teaches at figure 7, figure 10, figure 11, column 5 lines 1-10, column 5 lines 55-68, and column 8 lines 30-68 the drawer (130) which is analogous to the drawer (7) (sliding member) taught by DELANY at

figure 1-3 and column 2 lines 40-60 has the drawer (130) that is installed on the rails (22).

Finally for instant **claim 18**, it would be obvious to one of ordinary skill in the art at the time of the invention that the cartridge elements that are installed between the rails with the sliding member and supported by the rails, since HAGEN et al. teaches at figure 7, figure 10, figure 11, column 5 lines 1-10, column 5 lines 55-68, and column 8 lines 30-68 the drawer (130) which is analogous to the drawer (7) (sliding member and cartridge elements) taught by DELANY at figure 1-3 and column 2 lines 40-60 has the drawer (130) is installed between the rails (22) and supported by the rails (22).

For instant **claim 19**, DELANY teaches at figure 5 and column 2 lines 40-68 wherein the filter (cartridge elements) are pleated type filter (plate-type cartridge elements).

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY SHUMATE whose telephone number is (571)270-5546. The examiner can normally be reached on M-Th 9-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571)272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Duane S. Smith/
Supervisory Patent Examiner, Art
Unit 1797
12-2-08

/A.S./
Examiner Art Unit 1797